

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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IN RE: REMBRANDT TECHNOLOGIES, LP	)	
PATENT LITIGATION	)	MDL Docket No. 07-md-1848 (GMS)
	)	

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**APPLICATION FOR APPOINTMENT OF LEAD AND LIAISON COUNSEL  
FOR REMBRANDT TECHNOLOGIES, LP**

Pursuant to the Order Setting Scheduling Conference (D.I. 21) entered November 1, 2007, Rembrandt Technologies, LP (“Rembrandt”), hereby moves for the appointment of Collins J. Seitz, Jr., Esquire, of the law firm of Connolly Bove Lodge & Hutz LLP (“Connolly Bove”), to the positions of lead and liaison counsel for Rembrandt in this case. All counsel for Rembrandt in each of the MDL cases support this application.

**A. Background**

Rembrandt is the patentee in all fifteen of the cases that have been transferred to this Court pursuant to 28 U.S.C. § 1407 for coordinated or consolidated pretrial proceedings. In fourteen of the cases, Rembrandt filed the Complaint and thus is the plaintiff. One of the cases is a declaratory judgment action, where Rembrandt is the captioned defendant, but is the nominal plaintiff.<sup>1</sup> Accordingly, Rembrandt is the sole party acting as plaintiff, and is in a position to move for appointment of lead and liaison counsel to act on its behalf. If approved by the Court, Rembrandt has chosen Mr. Seitz and Connolly Bove to be lead and liaison counsel for Rembrandt in this MDL.

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<sup>1</sup>*Coxcom, Inc. v. Rembrandt Technologies, LP*, Civ. No. 1:06-721 (D. Del.).

**B. Mr. Seitz Satisfies the Criteria for Appointment as Lead and Liaison Counsel for Rembrandt**

In the Order Setting Scheduling Conference, the Court stated that “[t]he main criteria the court will consider for the[] appointments [of lead and liaison counsel] are: (1) willingness and ability to commit to a time-consuming process; (2) ability to work cooperatively with others; (3) professional experience in this type of litigation; and (4) access to sufficient resources to advance the litigation in a timely manner.” D.I. 21 at 3. As set forth below and in the Declaration of Collins J. Seitz, Jr. (“Seitz Decl.”), filed contemporaneously herewith, Mr. Seitz satisfies these criteria.

**1. Mr. Seitz Is Willing and Able to Commit to a Time-Consuming Process**

Mr. Seitz understands the time demands that will accompany his appointment as lead and liaison counsel for Rembrandt, and is willing and able to handle those demands. *Id.* ¶ 2. Specifically, Mr. Seitz expects that in his role as liaison counsel for Rembrandt, he will be charged as the lead contact person for administrative matters such as communications between the Court and the other counsel for Rembrandt, convening meetings of counsel, advising parties of developments, assisting in the coordination of pretrial litigation activities, managing document depositories, and resolving scheduling conflicts. *Id.* ¶ 3; *see also* Manual for Complex Litigation, Fourth, § 10.221. Mr. Seitz further expects that in his role as lead counsel for Rembrandt he will be charged, along with co-counsel, with formulating and presenting positions on substantive and procedural issues during the litigation, presenting written and oral arguments and suggestions to the court, working with opposing counsel in developing and implementing a litigation plan, initiating and organizing discovery requests and responses, coordinating examination of

deponents by Rembrandt's counsel, employing experts, arranging for support services, and ensuring that schedules are met. Seitz Decl. ¶ 4. Mr. Seitz commits to carrying out these responsibilities. *Id.* ¶¶ 3-4.

## **2. Mr. Seitz Will Work Cooperatively with Others**

Mr. Seitz has been practicing law in Delaware courts since 1983, and is a partner in the Connolly Bove law firm. Connolly Bove is headquartered in Wilmington, Delaware, with other offices in Washington, D.C., and Los Angeles, California. Mr. Seitz has been involved in significant litigation in this Court, Superior Court, and the Court of Chancery, as well as in courts outside this State, and non-litigation legal proceedings and counseling. *Id.* ¶ 5. In conjunction with these cases and other engagements, Mr. Seitz has worked cooperatively with other lawyers, as well as clients and other professionals. *Id.*

Mr. Seitz has served as a member, and from 2004 to 2006 as Chair, of the Delaware Board of Bar Examiners. In 2004, Mr. Seitz received from the District Court the Caleb Layton Distinguished Service Award, awarded to attorneys for service to the Court in representing indigent clients in federal cases. He is a Board member of the Delaware Community Legal Aid Society, Inc. He is often chosen to act as a mediator and arbitrator in complex corporate and commercial cases. *Id.* ¶ 6.

## **3. Mr. Seitz Has Professional Experience in this Type of Litigation**

Mr. Seitz has significant experience with complex litigation. He has represented clients in complex litigation matters before this Court and other federal courts, including the pending original jurisdiction case in United States Supreme Court *New Jersey v. Delaware* (U.S. 2006), and the recent intellectual property case *Pfizer Inc. v. Ranbaxy*

*Labs Ltd.* (D. Del. 2005). He has substantial experience in intellectual property litigation in this District, and has represented clients in significant corporation law cases in the Delaware Court of Chancery. He is currently involved along with co-counsel representing plaintiffs in a MDL litigation pending in the District of Kansas. *Id.* ¶ 7.

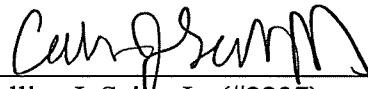
In 2005, Mr. Seitz was elected to membership in the American College of Trial Lawyers, which represents the top one percent of trial attorneys in each state. *Id.* ¶ 8. He is familiar with the Manual for Complex Litigation, Fourth, as well as this Court's Local Rules. *Id.* ¶ 9.

#### **4. Mr. Seitz Has Access to Sufficient Resources to Advance the Litigation in a Timely Manner**

Mr. Seitz's resources include the many experienced intellectual property attorneys of Connolly Bove, the experienced attorneys from other firms that represent Rembrandt in the various individual cases, and technology and administrative resources employed by all of the law firms representing Rembrandt in this case. *Id.* ¶ 10. Mr. Seitz's partner, Francis DiGiovanni, who will assist Mr. Seitz in his representation of Rembrandt in this case, has represented clients as lead or local counsel in dozens of patent cases in this Court, including as *de facto* coordinating counsel for the defendants in the *In re Manchak Patent Litigation* (D. Del. MDL 2001). *Id.* ¶ 11.

WHEREFORE, in consideration of the above, Rembrandt respectfully moves for the appointment of Collins J. Seitz, Jr., Esquire, of the law firm of Connolly Bove Lodge & Hutz LLP, to the positions of lead and liaison counsel for Rembrandt in this case.

CONNOLLY BOVE LODGE & HUTZ LLP



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Collins J. Seitz, Jr. (#2237)  
Francis DiGiovanni (#3189)  
Kristen Healey Cramer (#4512)  
1007 N. Orange Street  
P.O. Box 2207  
Wilmington, Delaware 19899  
(302) 658-9141  
[cseitz@cblh.com](mailto:cseitz@cblh.com)  
[fdigiovanni@cblh.com](mailto:fdigiovanni@cblh.com)  
[kcramer@cblh.com](mailto:kcramer@cblh.com)

Date: November 15, 2007

**CERTIFICATE OF SERVICE**

I, Collins J. Seitz, Jr., hereby certify that on the 15th day of November, 2007, a true copy of the foregoing **APPLICATION FOR APPOINTMENT OF LEAD AND LIAISON COUNSEL FOR REMBRANDT TECHNOLOGIES, LP** was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the following and the document is available for viewing and downloading from CM/ECF:

Steven J. Balick  
Ashby & Geddes  
500 Delaware Avenue, 8th Floor  
P.O. Box 1150  
Wilmington, DE 19899

George Pazuniak  
Womble Carlyle Sandridge & Rice, PLLC  
222 Delaware Avenue  
Suite 1501  
Wilmington, DE 19801

Karen Jacobs Louden  
Morris, Nichols, Arsht & Tunnell  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899

Richard D. Kirk  
The Bayard Firm  
222 Delaware Avenue, Suite 900  
Wilmington, DE 19801

Richard L. Horwitz  
Potter Anderson & Corroon, LLP  
1313 N. Market St., Hercules Plaza, 6th  
Flr.  
P.O. Box 951  
Wilmington, DE 19899-0951

Frederick L. Cottrell, III  
Richards, Layton & Finger  
One Rodney Square  
P.O. Box 551  
Wilmington, DE 19899

Rodger Dallery Smith, II  
Morris, Nichols, Arsht & Tunnell LLP  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899

Jack B. Blumenfeld  
Morris, Nichols, Arsht & Tunnell LLP  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899

By: /s/ Collins J. Seitz, Jr.  
Collins J. Seitz, Jr., (#2237)  
[cseitz@cblh.com](mailto:cseitz@cblh.com)